

**PUBLIC MATTER**

**FILED**

**MAY 05 2017**

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STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT - LOS ANGELES**

In the Matter of	)	Case Nos.	14-O-04193-LMA
	)	(14-O-04580);	14-O-05947; 15-O-11503
	)	(15-O-12483; 15-O-12561; 15-O-12679;	
ROBYN LYNNETTE POOL,	)	15-O-12729; 15-O-13201);	15-O-14484
	)	(15-O-14566; 15-O-15296);	15-O-14777
	)	(15-O-14784; 15-O-15116; 15-O-15124;	
A Member of the State Bar, No. 218837.	)	15-O-15306; 15-O-15402; 15-O-15651);	
	)	15-O-15432 (15-O-15726; 15-O-15738;	
	)	15-O-15754; 16-O-10040; 16-O-10076;	
	)	16-O-10094; 16-O-10095; 16-O-10149;	
	)	16-O-10157; 16-O-10374; 16-O-10538;	
	)	16-O-10656; 16-O-11449);	16-O-10146
	)	(16-O-10543; 16-O-11766; 16-O-11769;	
	)	16-O-12249; 16-O-13097; 16-O-13149;	
	)	16-O-13585; 16-O-13636; 16-O-13731;	
	)	16-O-14526); 16-O-12672 (16-O-13979);	
	)	16-O-14934 (16-O-15093; 16-O-16167)	
	)	(Consolidated)	
	)		
	)	DECISION AND ORDER OF	
	)	INVOLUNTARY INACTIVE	
	)	ENROLLMENT	

In this original disciplinary proceeding, nine separate notices of disciplinary charges (NDC) have been consolidated. Collectively, the nine consolidated NDCs charge respondent Robyn Lynnette Pool (Respondent) with 127 counts of misconduct in 50 separate client matters. Even though Respondent had adequate notice of the trial setting in this consolidated proceeding, Respondent failed to appear at the trial, and her default was entered under rule 5.81 of the Rules

of Procedure of the State Bar.<sup>1</sup> Thereafter, the Office of Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85.

Rule 5.85 provides the procedure to follow when an attorney fails to appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to appear at trial, and if the attorney fails to have the default set aside or vacated within 45 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.<sup>2</sup>

In the instant case, the court concludes that all of the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

### **FINDINGS AND CONCLUSIONS**

Respondent was admitted to the practice of law in California on February 20, 2002, and has been a member of the State Bar of California since that time.

#### **Procedural Requirements Have Been Satisfied**

On February 27, 2015, the State Bar filed and properly served the notice of disciplinary charges (NDC) in case number 14-O-04193, etc., on Respondent at her then membership-records address by certified mail, return receipt requested. Respondent filed a response to the NDC on March 20, 2015.

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<sup>1</sup> Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

<sup>2</sup> If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(E)(2).)

On May 13, 2015, the State Bar filed and properly served the NDC in case number 14-O-05947 on Respondent's counsel, by certified mail, return receipt requested. Respondent filed a response to that NDC on June 8, 2015.

On November 12, 2015, the State Bar filed and properly served the NDC in case number 15-O-11503, etc., on Respondent at her then membership-records address by certified mail, return receipt requested. Respondent filed a response to that NDC on June 7, 2016.

On February 1, 2016, the State Bar filed and properly served the NDC in case number 15-O-14484, etc., on Respondent at her then membership-records address by certified mail, return receipt requested. Respondent filed a response to that NDC on May 11, 2016.

On July 15, 2016, the State Bar filed and properly served the NDC in case number 15-O-14777 on Respondent's then counsel, by certified mail, return receipt requested. Respondent filed a response to that NDC on July 26, 2016.

On August 11, 2016, the State Bar filed and properly served the NDC in case number 15-O-15432, etc., on Respondent's then counsel, by certified mail, return receipt requested. Respondent filed a response to that NDC on August 17, 2016.

On September 28, 2016, the State Bar filed and properly served the NDC in case number 16-O-10146, etc., on Respondent's then counsel, by certified mail, return receipt requested. Respondent filed a response to that NDC on October 11, 2016.

On November 4, 2016, the State Bar filed and properly served the NDC in case number 16-O-12672, etc., on Respondent's then counsel, by certified mail, return receipt requested. Respondent filed a response to that NDC on November 9, 2016.

On December 14, 2016, the State Bar filed and properly served the NDC in case number 16-O-14934, etc., on Respondent's then counsel, by certified mail, return receipt requested. Respondent filed a response to that NDC on December 20, 2016.

As of December 19, 2016, all nine of the foregoing NDCs were consolidated. In addition, each of the foregoing nine NDCs notified Respondent that her failure to appear at the State Bar Court trial would result in a disbarment recommendation. (Rule 5.41.)

On December 19, 2016, copies of three status conference orders setting the consolidated matter for trial on January 24 through 27, 2017, were properly served both (1) on Respondent at her membership-records address by first class mail, postage paid and (2) on Respondent's counsel by first class mail, postage paid. (Rule 5.81(A).)

On January 24, 2017, the State Bar appeared for trial, but Respondent did not. Finding that all of the requirements of rule 5.81(A) were satisfied, the court issued and properly served on Respondent an order entering Respondent's default that same day. The order notified Respondent that, if she did not timely move to set aside or vacate her default, the court would recommend her disbarment. The order also placed Respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e), and she has remained inactive since that time.

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days after order entering default is served to file motion to set aside default].) On March 16, 2017, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) it has not had any contact with Respondent since her default was entered; (2) there are two investigations or disciplinary charges pending against Respondent as is one more State Bar Court case; (3) Respondent does not have a prior record of discipline; and (4) the Client Security Fund has made payments resulting from Respondent's misconduct. Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on April 11, 2017.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of a Respondent's default, the factual allegations in the consolidated NDCs are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the consolidated NDCs support the conclusion that Respondent is culpable on 126 of 127 charged counts of misconduct and that Respondent, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(E)(1)(d).)

#### **First Consolidated NDC**

##### **Case Number 14-O-04193 (Ibarra Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

##### **Case Number 14-O-04580 (Marlowe Matter)**

Count Two – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

#### **Second Consolidated NDC**

##### **Case Number 14-O-05947 (Pastran Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

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### **Third Consolidated NDC**

#### **Case Number 15-O-11503 (Santacruz Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.6) by entering into a fee agreement in a loan modification matter without first providing the clients with the required separate written statement disclosing that it is not necessary to pay a third party to arrange for a loan modification or other form of loan forbearance and that the clients can deal directly with their lender.

Count Two – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

#### **Case Number 15-O-12483 (Fields Matter)**

Count Three – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Four – Respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

#### **Case Number 15-O-12561 (West-Williams Matter)**

Count Five – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Six – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 15-O-12679 (Investigation Matter)**

Count Seven – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 15-O-12729 (Mendez Matter)**

Count Eight – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to either prepare a federal complaint or request declaratory relief.

Count Nine – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Ten – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Eleven – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 15-O-13201 (Manjarrez Matter)**

Count Twelve – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.6) by entering into a fee agreement in a loan modification matter without first providing the clients with the required separate written statement disclosing that it is not necessary to pay a third party to arrange for a loan modification or other form of loan forbearance.

Count Thirteen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Fourteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Fourth Consolidated NDC**

**Case Number 15-O-14484 (Rodriguez Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Two – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 15-O-14566 (Coglietti Matter)**

Count Three – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Four – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 15-O-15296 (Ajeigbe Matter)**

Count Five – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.



Count Six – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Fifth Consolidated NDC**

**Case Number 15-O-14777 (Sanabria Matter)**

Count One– Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by constructively terminating her employment by failing to take any action other than to answer a complaint in a lawsuit.

Count Two – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Three – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 15-O-14784 (Fenton Matter)**

Count Four – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Five – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

Count Six – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.6) by entering into a fee agreement in a loan modification matter without first providing the clients with the required separate written statement disclosing

that it is not necessary to pay a third party to arrange for a loan modification or other form of loan forbearance and that the clients can deal directly with their lender.

**Case Number 15-O-15116 (Garciduenas Matter)**

Count Seven – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Eight – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 15-O-15124 (Mondragon Matter)**

Count Nine – Respondent willfully violated rule 1-300(A) of the Rules of Professional Conduct (aiding another in the unauthorized practice of law) by allowing one of her employees to give legal advice to her client.

Count Ten – Respondent willfully violated rule 1-311(B) of the Rules of Professional Conduct (employment of an inactive member of the State Bar) by allowing one of her employees to engage in the practice of law by, inter alia, giving legal advice to Respondent's client H. Mondragon.

Count Eleven – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letter and email.

**Case Number 15-O-15306 (Castro Matter)**

Count Twelve – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to prepare and file a bankruptcy petition for her client.

Count Thirteen – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Fourteen – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Fifteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 15-O-15402 (Sanchez Matter)**

Count Sixteen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Seventeen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 15-O-15651 (Albarran Matter)**

Count Eighteen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Nineteen – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to file and litigate a civil lawsuit against her client's mortgage lender.

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Count Twenty – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Twenty-One – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Twenty-Two – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

#### **Sixth Consolidated NDC**

##### **Case Number 15-O-15432 (Serrato Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Two – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without performing any legal services for the client.

Count Three – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Four – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Five – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 15-O-15726 (Del Rio/Vega Matter)**

Count Six – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Seven – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by constructively withdrawing from employment by failing to perform any legal services for her clients and by failing to notify her clients of her withdrawal.

Count Eight – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Nine – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Ten – Respondent willfully violated rule 1-300(A) of the Rules of Professional Conduct (aiding another in the unauthorized practice of law (UPL)) by allowing employees of Apple Legal Support to give legal advice to her clients.

Count Eleven – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 15-O-15738 (Lopez Matter)**

Count Twelve – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

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Count Thirteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 15-O-15754 (McGriff Matter)**

Count Fourteen – Respondent willfully violated section 6103 (violation of court order) by failing to pay court-ordered sanctions totaling \$3,550. (The NDC does not allege to whom the sanctions were to be paid.)

Count Fifteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (o)(3) (failing to report sanctions) by not reporting, to the State Bar, the \$3,550 in sanctions.

Count Sixteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 16-O-10040 (Galeana Matter)**

Count Seventeen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Eighteen – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 16-O-10076 (Bazan Matter)**

Count Nineteen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Twenty – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Twenty-One – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

**Case Number 16-O-10094 (Hernandez Matter)**

Count Twenty-Two – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Twenty-Three – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 16-O-10095 (Casillas Matter)**

Count Twenty-four – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Twenty-Five – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Twenty-Six – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

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Count Twenty-Seven – Respondent willfully violated rule 1-300(A) of the Rules of Professional Conduct (aiding another in the unauthorized practice of law) by allowing employees of Apple Legal Support to give legal advice to her clients.

**Case Number 16-O-10149 (Gonzalez Matter)**

Count Twenty-Eight – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Twenty-Nine – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 16-O-10157 (Medina Matter)**

Count Thirty – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Thirty-One – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 16-O-10374 (Navarro Matter)**

Count Thirty-Two – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Thirty-Three – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.



**Case Number 16-O-10538 (Servin Matter)**

Count Thirty-Four – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Thirty-Five – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 16-O-10656 (Velasquez Matter)**

Count Thirty-Six – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Thirty-Seven – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Thirty-Eight – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Thirty-Nine – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Forty – Respondent willfully violated rule 1-300(A) of the Rules of Professional Conduct (aiding another in the unauthorized practice of law) by allowing employees of Apple Legal Support to give legal advice to her clients.

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Count Forty-One – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar’s letters.

**Case Number 16-O-11449 (Rios Matter)**

Count Forty-Two – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Seventh Consolidated NDC**

**Case Number 16-O-10146 (Moreno Matter)**

Count One – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Two – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Three – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Four – Respondent willfully violated rule 3-310(F) of the Rules of Professional Conduct [improper acceptance of compensation] by accepting compensation for representing a client from one other than the client without obtaining her client’s informed written consent to receive such compensation.

Count Five – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Six – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees. (In count six, the reference to “\$2,500” is disregarded as a typographical error.)

Count Seven – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Eight – Respondent willfully violated rule 1-300(A) of the Rules of Professional Conduct (aiding another in the unauthorized practice of law) by allowing employees of Apple Legal Support to give legal advice to her clients.

Count Nine – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar's letters.

**Case Number 16-O-10543 (Villa Matter)**

Count Ten – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Eleven – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Twelve – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Thirteen – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

**Case Number 16-O-11766 (Martinez Matter)**

Count Fourteen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-11769 (Zapien Matter)**

Count Fifteen – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-12249 (Martin Matter)**

Count Sixteen – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Seventeen – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

Count Eighteen – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Nineteen – Respondent willfully violated rule 1-300(A) of the Rules of Professional Conduct (aiding another in the unauthorized practice of law) by allowing the employees of her law office to give legal advice to her client.

Count Twenty – In count twenty, Respondent is charged with willfully violating Business and Professions Code section 6068, subdivision (m) (failure to inform client of significant development) by failing to inform her client that Respondent's fee agreement was voidable because it was not reduced to writing as required by Business and Professions Code section 6148. Count twenty fails to state a disciplinable violation. First, the fact that Respondent's fee agreement might be voidable under section 6148 is not a significant development that Respondent was required to communicate to her client under section 6068, subdivision (m). An attorney violates the significant-developments portion of section 6068, subdivision (m) cases

only when the attorney fails to inform a client of a *significant* development in a matter “with regard to which the attorney has agreed to provide legal services.” Under the factual allegations in the NDC, the only matters for which respondent agreed to provide legal services for Martin involved Martin’s lawsuits against The Bank of New York Mellon, et al. There are no factual allegations that suggest much less establish that Respondent agreed to provide legal services to Martin with respect to negotiating the terms and conditions of Respondent’s employment. In this state, except with respect to acquiring an adverse interest in fee agreements which is governed by rule 3-300 of the Rules of Professional Conduct, attorneys may negotiate the terms and conditions of their employment with their clients (i.e., fee agreements) at arm’s length.

Moreover, even assuming arguendo that the fact that Respondent’s fee agreement was voidable under section 6148 is, in fact, a development in a matter in which Respondent agreed to provide legal service to her client, there are no factual allegations to establish that the development was significant. If a client elects to void their oral fee agreement with an attorney under section 6148, then the attorney “is entitled to collect a reasonable fee.” Thus, the fact that an oral fee agreement is voidable under section 6148 is “significant” only if and when fee under the oral agreement is significantly greater than the “reasonable fee” provided for in section 6148. There are no factual allegations suggesting that the fee under Respondent’s oral fee agreement was significantly greater than the reasonable fee provided for under section 6148.

In short, count twenty is DISMISSED WITH PREJUDICE for failing to state a disciplinable offense.

**Case Number 16-O-13097 (Nunez Matter)**

Count Twenty-One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-13149 (Matilde Martinez Matter)**

Count Twenty-Two – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-13585 (Robledo Matter)**

Count Twenty-Three – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-13636 (Sanction Orders Matter)**

Count Twenty-Four – Respondent willfully violated section 6103 (violation of court order) by failing to pay court-ordered sanctions totaling \$500. (The NDC does not specify who Respondent was to pay the sanctions to.)

Count Twenty-Five – Respondent willfully violated section 6103 (violation of court order) by failing to pay court-ordered sanctions totaling \$1,500. (The NDC does not specify who Respondent was to pay the sanctions to.)

Count Twenty-Six – Respondent willfully violated section 6103 (violation of court order) by failing to pay court-ordered sanctions totaling \$1,000. (The NDC does not specify who Respondent was to pay the sanctions to.)

Count Twenty-Seven – Respondent willfully violated Business and Professions Code section 6068, subdivision (o)(3) (failing to report sanctions) by not reporting, to the State Bar, the \$1,500 and the \$1,000 in sanctions.

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**Case Number 16-O-13731 (Ridley Matter)**

Count Twenty-Eight – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

Count Twenty-Nine – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

**Case Number 16-O-14526 (Aguilar Matter)**

Count Thirty – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter (The two references to “Ridley” in count thirty are disregarded as typographical errors.)

**Eighth Consolidated NDC**

**Case Number 16-O-12672 (Serna Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-13979 (Alvarez Matter)**

Count Two – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Three – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

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Count Four – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

**Ninth Consolidated NDC**

**Case Number 16-O-14934 (Blanco Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

**Case Number 16-O-15093 (Picazo Matter)**

Count Two – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating her employment without adequate notice.

Count Three – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting.

Count Four – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to promptly refund unearned advanced fees.

**Case Number 16-O-16167 (Paraiso Matter)**

Count Five – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.6) by entering into a fee agreement in a loan modification matter without first providing the clients with the required separate written statement disclosing that it is not necessary to pay a third party to arrange for a loan modification or other form of loan forbearance and that the clients can deal directly with their lender.

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Count Six – Respondent willfully violated Business and Professions Code section 6106.3 (violation of Civil Code section 2944.7) by collecting advanced fees prior to completing all services in a loan modification matter.

### **Disbarment Under the Rules of Procedure**

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied and Respondent's disbarment should be recommended. In particular:

- (1) all nine of the NDCs were properly served on Respondent under rule 5.25;
- (2) Respondent had actual notice of this proceeding and adequate notice of the trial dates prior to entry of the default;
- (3) the default was properly entered under rule 5.81; and
- (4) the factual allegations in the nine consolidated NDCs deemed admitted by the entry of the default support a finding that Respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, Respondent failed to appear for trial in this consolidated disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends her disbarment.

## **RECOMMENDATIONS**

### **Disbarment**

The court recommends that Respondent Robyn Lynnette Pool be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

The court further recommends that Respondent Robyn Lynnette Pool be ordered to pay restitution to the following payees (or to reimburse the Client Security Fund, to the extent of any payment from the fund to one or more of the payees, in accordance with Business and Professions Code section 6140.5):

- (1) Carmen Ibarra in the amount of \$1,500 plus 10 percent interest per year from September 24, 2013;
- (2) Michelle and Robert Marlowe in the amount of \$4,490 plus 10 percent interest per year from January 5, 2014;
- (3) Lucy Pastran in the amount of \$4,975 plus 10 percent interest per year from February 28, 2014;
- (4) Elva and Armando Santacruz in the amount of \$6,000 plus 10 percent interest per year from March 5, 2015;
- (5) Lyle Fields in the amount of \$7,500 plus 10 percent interest per year from January 8, 2014;
- (6) Raeann West-Williams in the amount of \$3,668 plus 10 percent interest per year from January 30, 2014;
- (7) Hilda Mendez and Rene Mendez in the amount of \$7,508 plus 10 percent interest per year from May 29, 2015;
- (8) Maria Manjarrez in the amount of \$12,000 plus 10 percent interest per year from March 5, 2015;
- (9) Cristina Rodriguez in the amount of \$7,000 plus 10 percent interest per year from August 20, 2015;
- (10) Rose Coglietti and Rickey Coglietti in the amount of \$5,000 plus 10 percent interest per year from August 1, 2014;
- (11) Ruth and David Ajeigbe in the amount of \$9,000 plus 10 percent interest per year from October 30, 2014;
- (12) Adriana and Carlos Fenton in the amount of \$6,000 plus 10 percent interest per year from October 22, 2014;
- (13) Ricardo Garciduenas in the amount of \$4,500 plus 10 percent interest per year from April 26, 2015;
- (14) Baltazar Castro in the amount of \$4,000 plus 10 percent interest per year from November 30, 2015;
- (15) Sergio Sanchez in the amount of \$5,000 plus 10 percent interest per year from March 24, 2015;
- (16) Crescencio Albarran in the amounts of:
  - (a) \$5,988.60 plus 10 percent interest per year from November 14, 2014; and

- (b) \$5,500 plus 10 percent interest per year from November 6, 2015;
- (17) Antonio Serrato in the amounts of:
  - (a) \$6,000 plus 10 percent interest per year from February 2, 2015; and
  - (b) \$5,000 plus 10 percent interest per year from November 9, 2015;
- (18) Martha Del Rio and Jose Vega in the amounts:
  - (a) \$4,000 plus 10 percent interest per year from January 6, 2015; and
  - (b) \$6,000 plus 10 percent interest per year from July 6, 2015;
- (19) Antonio Lopez in the amount of \$6,000 plus 10 percent interest per year from March 3, 2015;
- (20) Maria Galeana in the amount of \$4,000 plus 10 percent interest per year from February 26, 2015;
- (21) Raquel Reyes Bazan in the amounts of:
  - (a) \$7,000 plus 10 percent interest per year from April 18, 2015; and
  - (b) \$1,000 plus 10 percent interest per year from May 29, 2015;
- (22) Salvador Hernandez in the amount of \$5,000 plus 10 percent interest per year from May 4, 2015;
- (23) Miguel Casillas in the amount of \$5,500 plus 10 percent interest per year from October 29, 2015;
- (24) Jose Luis Gonzalez in the amount of \$15,000 plus 10 percent interest per year from November 5, 2015;
- (25) Margarito Medina in the amount of \$6,000 plus 10 percent interest per year from September 8, 2015;
- (26) Jose Armas and Adriana Navarro in the amount of \$7,000 plus 10 percent interest per year from September 15, 2015;
- (27) Jose Servin in the amount of \$5,000 plus 10 percent interest per year from July 6, 2015;
- (28) Raquel E. Velasquez in the amounts of:
  - (a) \$5,000 plus 10 percent interest per year from November 18, 2014; and
  - (b) \$7,000 plus 10 percent interest per year from October 13, 2015;

- (29) Eduardo Rios in the amount of \$8,000 plus 10 percent interest per year from September 11, 2015;
- (30) Felix Moreno in the amounts of:
  - (a) \$5,000 plus 10 percent interest per year from August 7, 2014; and
  - (b) \$3,000 plus 10 percent interest per year from September 27, 2015;
- (31) Alfonso Villa in the amounts of:
  - (a) \$4,000 plus 10 percent interest per year from September 5, 2014; and
  - (b) \$4,000 plus 10 percent interest per year from June 16, 2015;
- (32) Amanda Martinez in the amount of \$7,700 plus 10 percent interest per year from August 5, 2015;
- (33) Federico Zapien in the amount of \$7,900 plus 10 percent interest per year from May 26, 2015;
- (34) Elva Martin in the amount of \$8,400 plus 10 percent interest per year from September 9, 2015;
- (35) Monica Nunez and Richard Nunez in the amount of \$5,499 plus 10 percent interest per year from November 3, 2014;
- (36) Matilde Rico Martinez in the amount of \$3,000 plus 10 percent interest per year from July 30, 2015;
- (37) Carlos Robledo in the amount of \$7,500 plus 10 percent interest per year from June 29, 2015;
- (38) Alan Ridley in the amount of \$15,000 plus 10 percent interest per year from November 3, 2014;
- (39) Adrian Aguilar in the amount of \$7,500 plus 10 percent interest per year from June 23, 2015;
- (40) Celia and Jorge Serna in the amount of \$6,000 plus 10 percent interest per year from November 6, 2014;
- (41) Romualdo Diaz Alvarez in the amount of \$7,000 plus 10 percent interest per year from August 7, 2015;
- (42) Severo Blanco in the amount of \$500 plus 10 percent interest per year from April 20, 2015;
- (43) Maria Picazo in the amount of \$11,000 plus 10 percent interest per year from November 17, 2015; and

(44) Noel Paraiso in the amount of \$13,000 plus 10 percent interest per year from September 23, 2015.

**California Rules of Court, Rule 9.20**

The court also recommends that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

**Costs**

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Robyn Lynnette Pool, State Bar Number 218837, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order by mail. (Rule 5.111(D).)

Dated: May 5, 2017.

  
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**LUCY ARMENDARIZ**  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 5, 2017, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

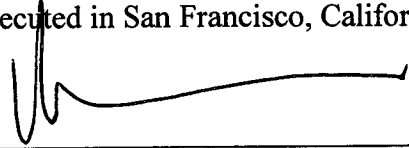
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ROBYN L. POOL  
PO BOX 11435  
COSTA MESA, CA 92627 - 0435

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

William S. Todd, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 5, 2017.



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Vincent Au  
Case Administrator  
State Bar Court